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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,385	02/18/2004	Satoshi Mizutani	20050/0200895-US0	3573
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DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER BOGART, MICHAEL G	
			ART UNIT 3761	PAPER NUMBER
DATE MAILED: 12/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/782,385	Applicant(s) MIZUTANI ET AL.	
	Examiner Michael G. Bogart	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>22 June 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 3, 10 and 12 are objected to because of the following informalities:

In claims 3 and 12, line 3 of each claim, after “pieces,” insert --over--.

In claim 10, line 1, before “individual”, insert --an--.

Appropriate correction is required.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 12-16 and 20-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn, III *et al.* (US 5,885,265 A)(hereinafter “Osborn”).

Regarding claim 1, Osborn teaches an interlabial pad (20) comprising:

an absorbent body (32) for absorbing liquid; and

a cover body (28, 30) covering the absorbent body (32) in an enclosing manner and comprising a surface side sheet (28) having a permeable property for liquid and a back face side sheet (30) having an impermeable property against liquid;

the interlabial pad (20) being fitted between labia with the surface side sheet set at a body side (28);

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wherein the cover body (28, 30) is provided with a continuous or discontinuous parting zone (21, 24) that is parted by actions of water, along which the cover body is separated into a plurality of small sheet pieces (28)(30) when water acts (col. 2, line 41-col. 3, line 19; col. 16, line 45-col. 17, line 5)(see figures 1 & 2, below).

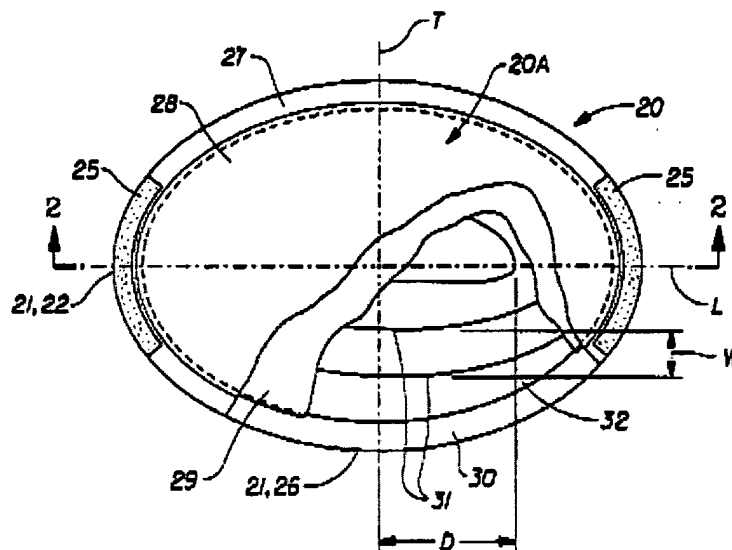


Fig. 1

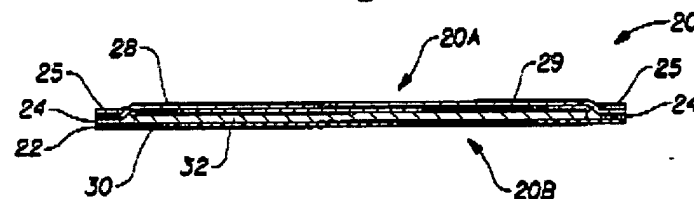


Fig. 2

Regarding claim 2, Osborn teaches that the parting zone (21, 24) is provided in the back face side sheet (30).

Regarding claim 3, Osborn teaches that the parting zone (21, 24) is a seam part (21) formed by overlapping the plurality of small sheet pieces (28)(30) over one another.

Regarding claim 4, Osborn teaches that the plurality of small sheet pieces (28, 30) are adhered together at the seam part (21) by an adhesive agent (24).

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Regarding claim 5, Osborn teaches that the seam part (21) is a longitudinal seam part (26) extending in a longitudinal direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the longitudinal seam part (26) and covers a side closer to a longitudinal central line (L) of the interlabial pad (20) is positioned at an absorbent body side (20A).

Regarding claim 6, Osborn teaches that the seam part (21) is a lateral seam part (22) extending in a lateral direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the lateral seam part (22) and covers a side (20A) that becomes a dorsal side when the interlabial pad (20) is fitted between labia is positioned at the absorbent body side (20A).

Regarding claim 7, Osborn teaches that the seam parts contain a longitudinal seam part (26) extending in the longitudinal direction of the interlabial pad (20) and a lateral seam part (22) extending in the lateral direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the longitudinal seam part (26) and covers a side closer to a longitudinal central line (L) of the interlabial pad (20) is positioned at the absorbent body side (20A); and a sheet piece (28) which overlaps the other sheet piece (30) at the lateral seam part (22) and covers a side that becomes a dorsal side (20A) when the interlabial pad (20) is fitted between labia is positioned at the absorbent body side (20A).

Regarding claim 9, Osborn teaches that the back face side sheet (3) is made uneven at least at the surface opposite (20B) to the absorbent body side (20A)(see figure 6).

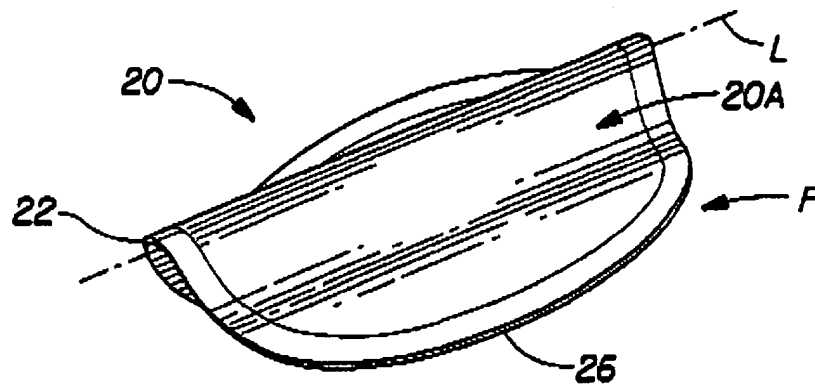


Fig. 6

Regarding claim 12, Osborn teaches that the parting zone (21, 24) is a seam part (21) formed by overlapping the plurality of small sheet pieces one over another.

Regarding claim 13 Osborn teaches teaches that the seam part (21) is a longitudinal seam part (26) extending in a longitudinal direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the longitudinal seam part (26) and covers a side closer to a longitudinal central line (L) of the interlabial pad (20) is positioned at an absorbent body side (20A).

Regarding claim 14, Osborn teaches that the seam part (21) is a lateral seam part (22) extending in a lateral direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the lateral seam part (22) and covers a side (20A) that becomes a dorsal side when the interlabial pad (20) is fitted between labia is positioned at the absorbent body side (20A).

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Regarding claims 15 and 16, Osborn teaches that the seam parts contain a longitudinal seam part (26) extending in the longitudinal direction of the interlabial pad (20) and a lateral seam part (22) extending in the lateral direction of the interlabial pad (20); and

a sheet piece (28) which overlaps the other sheet piece (30) at the longitudinal seam part (26) and covers a side closer to a longitudinal central line (L) of the interlabial pad (20) is positioned at the absorbent body side (20A); and a sheet piece (28) which overlaps the other sheet piece (30) at the lateral seam part (22) and covers a side that becomes a dorsal side (20A) when the interlabial pad (20) is fitted between labia is positioned at the absorbent body side (20A).

Regarding claims 20-21, Osborn teaches that the back face side sheet (3) is made uneven at least at the surface opposite (20B) to the absorbent body side (20A)(see figure 6).

Claims 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn, III (WO 99/26573 A1)(hereinafter '573).

'573 teaches a packaging body (50) for individual package of interlabial pad (20), comprising:

a packaging sheet (68); and

an interlabial pad (20) covered by the packaging sheet (68);

wherein the packaging sheet (68) is provided with a continuous or discontinuous parting zone that is parted by actions of water, along which the packaging sheet (68) is separated into a plurality of small sheet piece when water acts (page 19, line 20-page 21, line 23)(see fig. 5).

Regarding claim 11, '573 teaches that the packaging sheet is a liquid impermeable sheet (e.g., thermoplastic film) with an impermeable property against liquid (page 19, lines 20-31).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

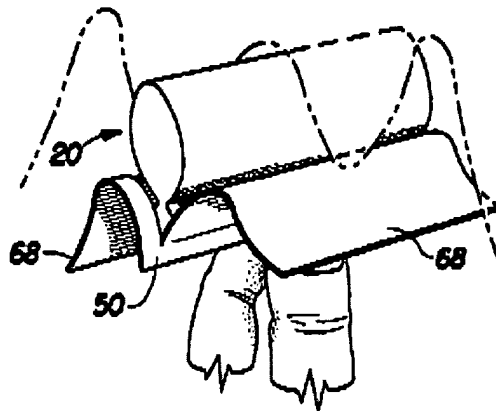
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 8 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn as applied to claims 1-7, 9, 12-16 and 20-22 above, and further in view of '573.

Osborn does not teach a mini-sheet piece on the surface of the side opposite to the body side of the absorbent article.

'573 teaches a interlabial pad (20) surrounded by a mini-sheet (68)(figure 5).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to wrap the absorbent article of Osborn with the separable mini-sheet of '573 in order to provide packaging means (figure 5, below).



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Bogart
2 December 2005

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

